

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FRED L. PLUMP,

Plaintiff,

V.

HONORABLE BOB RILEY, as
Governor of the State of
Alabama,

Defendant.

CIVIL ACTION NO.
2:07cv1014-MEF
(WO)

Before Rosemary Barkett, Circuit Judge, Mark E. Fuller, Chief District Judge, and W. Harold Albritton, District Judge.

ORDER

This cause is before the court on the Defendant's Motion to Stay Pending Appeal, filed April 8, 2008 (Doc. #42).

The Defendant argues that because the Alabama Supreme Court has enjoined the certification of the election results of a special election held for the seat on Jefferson County Commission currently held by George Bowman, absent a stay in this case pending Governor Riley's appeal, or expedited preclearance from the United States Department of Justice, if the Jefferson County Commission seat held by George Bowman is vacated on April 21, 2008 pursuant to this court's Amended Judgment, the Jefferson County Commission seat will be vacant until this case is finally resolved. The Defendant, therefore, seeks a stay of this court's Amended Judgment until resolution of the appeal in this case.

The Plaintiff in response expresses doubt that any appeal of this case can be considered in

this term of the Supreme Court of the United States. If the case were to be considered in the next term, any stay in this case pending appeal would extend at least until October 2008.

The United States Attorney General has 60 days in which to notify a submitting authority of a decision to object or to interpose no objection to a submitted change affecting voting. 28 C.F.R. §§ 51.9, 51.41, 51.44. The preclearance submission, which requested expedited review, was delivered to the United States Department of Justice on March 20, 2008. Sixty days from the submission date has not yet elapsed. Accordingly, for good cause shown it is hereby ORDERED as follows:

1. The Motion for Stay Pending Appeal (Doc. #42) is DENIED.
2. The Amended Judgment entered in this case is STAYED until the earlier of sixty days from the date of the preclearance submission, or the date of the written response by the Attorney General to preclearance submission. If at the end of 60 days from the date of the preclearance submission, the Attorney General should fail to make a determination as to preclearance, but instead seeks additional information, the court will entertain a request for an additional stay at that time.

Done this 16th day of April, 2008.

/s/ Rosemary Barkett
UNITED STATES CIRCUIT JUDGE

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE